

To: United States District Court
Office of the Clerk
United States Courthouse
1 courthouse way Suite 2300
Boston MA 02110

RE: (C.A. No. 04-12474-DPW)

Dear Mr. Honorable Douglas P. Woodlock

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT
DISTRICT OF MASS.
10 OCT 12 A 10:59

On August 13, 2007 I wrote and sent in a detailed response pursuant to your memorandum request dated August 6, 2007. I incorrectly wrote in my opening Paragraph "Appeal to the memorandum note of dismissal dated August 6, 2007 by Douglas P. Woodlock United States District Judge." When I wrote "Appeal" in my opening statement it caused confusion. It was not an appeal, what I should have written was "In response." I apologize for this confusion. I patiently await your response.

Thank you very much.

J. D. Jillico

See attached:

From: Filippo Toscano
30 Bradley Road
N. Weymouth, MA 02191
Phone: 781-337-7510

To: UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2300
BOSTON, MA 02210

N. Weymouth, August 13, 2007

FILIPPO TOSCANO,)	
Plaintiff,)	
V)	C.A. No. 04-12474-DPW
)	
FLEET BOSTON FINANCIAL,)	
Defendant.)	

**Appeal to the Memorandum note of dismissal dated August 6, 2007 by DOUGLAS P. WOODLOCK,
UNITED STATES DISTRICT JUDGE**

I, Filippo Toscano, the Plaintiff believe that I was discriminating against by Fleet Boston Financial , Karen Osowski, on the basis of national Origin, Disability. This is a violation of the M.G.L. 151B Section 4 Paragraph 16; M.G.L. 151B Section 4 Paragraph 1 and ADA.

I began working for Fleet Boston Financial in October 1999. I was initially hired as an Operational Supervisor, and I was then promoted in December of 2000 as a Training Specialist. Karen Osowski was my current supervisor. She tries to intimidate me during meetings, and often makes fun of my strong Italian accent. There are about nine other trainers, and Ms. Osowski treats them very well. She would provide additional assistance and training to my co-workers, but would purposely exclude me. I have always receive positive feedback from my trainings, as trainees are provided with evaluations to fill out confidentially. I have an average of 4.5 (out of a possible 5) on these evaluations. Despite this positive feedback, Ms. Osowski has given me three unjustified warnings for my performance. Ms. Osowski took over the department in June 2001. I was due a performance evaluation by her in February 2002. which she refused to give me.

In September of 2001 I suffered a heart attack, and I was out for a brief period of time, because she forced me to go back to work, even I was schedule to rehabilitations. My rehabilitation was very stressful because Ms. Osowski was very demanding and pushy. On April 19 of 2002, my Doctor George Gales placed me on indefinite leave due to my heart condition and stress. Defendant is aware of this condition, as I forwarded all medical documentation to them. I had a meeting scheduled with the Director of Training Department, Monica Herlihy, for April 23, 2002. I wanted to speak with her about the entire work situation, and the fact that Ms. Osowski was purposely treating me differently than the other trainers. I received a phone call the day before, on April 22, 2002, stating that the meeting was canceled. I believe that I am being harassed and singled out due to my strong accent, and my disability.

I was the only foreign in my department in Massachusetts at that time.